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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,924	04/26/2000	John Albert Kembel	10351-0005	1659

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EXAMINER	
AVELLINO, JOSEPH E	
ART UNIT	**PAPER NUMBER**
2143	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/558,924	KEMBEL ET AL.	
	Examiner	Art Unit	
	Joseph E. Avellino	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *21,22 and 43-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *21-22,43-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 21-29, 34-37, 41-42 are presented for examination; claims 21 and 34 independent.

Claim Rejections - 35 USC § 101

The Office has considered the amendment to claim 21. The rejection under 35 USC 101 is withdrawn.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 21, 22, and 43-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe (USPN 6,006,252) in view of Ko et al. (USPN 6,292,185) (hereinafter Ko) in view of Himmel et al. (USPN 6,275,854) (hereinafter Himmel) in view of Merriman et al. (USPN 5,948,061) (hereinafter Merriman).

3. Referring to claim 21, Wolfe discloses a method of tracking distributed content within a computer network which is displayed on a computer device comprising:

displaying first addressed content in a first frame (i.e. window), and first addressed content is at least in part outside of a window of a web browser program (i.e. as shown in Figure 40, window 3007 is rendered outside the window of the web browser

program showing the Hunan Taste, Inc. document), the first frame and content rendered independently from a web browser program (i.e. program 1535 displays the supplemental content, rather than directing the browser to display the content; the browser has absolutely nothing to do with the rendering of the content since program 1535 has no interaction with browser 1530 other than receiving the URL that was accessed) (col. 8, lines 31-48; col. 18, lines 35-39);

displaying a second addressed content in a second frame, second content rendered independently from a web browser program, at least in part outside of a window of a web browser program (i.e. multiple windows can be displayed simultaneously) (Figure 40; col. 18, lines 35-39);

Wolfe does not specifically disclose that the first and second frames have a format and controls which are specific to the addressed content and the addressed content comprises at least a portion of a definition of the frame. In analogous art, Ko discloses another web page browser which discloses that the content can tailor the appearance of the GUI in which the web page is viewed (e.g. abstract; Figure 2; col. 1, lines 50-55; col. 4, lines 25-42). It would have been obvious to one of ordinary skill in the art to combine the teaching of Wolfe in order to allow the advertiser to modify the supplemental content as disclosed in Wolfe to be related to the webpage displayed, thereby allowing a web page designer to tailor the appearance of a graphical web page free of the limits imposed by the browser as supported by Ko (col. 1, lines 45-50).

Wolfe-Ko does not disclose recording starting times and ending times for time periods during which the first addressed content and the second addressed content

were displayed on said computing device, in analogous art, Himmel discloses another method of tracking distributed content which discloses recording information (i.e. viewable intervals) that includes starting times and ending times for time periods (an inherent feature, otherwise it would be able to be determined when the advertisements were displayed on the computing device, since even a timer with a starting time of zero and an ending time of x still records a starting time of zero and an ending time of x) during which the first addressed content and the second addressed content were displayed on said computing device (done by the Javascripts associated with each advertisements (col. 8, line 42 to col. 9, line 15). It would have been obvious to one of ordinary skill in the art to combine the teaching of Himmel with Wolfe-Ko in order to provide information to the advertisers information regarding which supplemental content is displayed, resulting in more demographic information which to be used in order to tailor personalized services for that particular individual.

Wolfe-Ko-Himmel does not specifically disclose deriving whether the first and second advertisements were displayed during overlapping time periods. In analogous art, Merriman discloses another method of tracking distributed content within a computer network which discloses deriving, using recorded information, whether said first addressed content (i.e. the advertisement) and said second addressed content (i.e. the page) were displayed on said computing device during overlapping time periods (Figure 3B discloses an advertisement entry which discloses which webpages the advertisement has been viewed on "PAGES ADS SEEN ON" which inherently discloses that both the ad and the webpage were simultaneously displayed). It would have been

obvious to one of ordinary skill in the art to combine the teaching of Merriman with Wolfe-Ko-Himmel in order to utilize the viewable display information of Himmel to compile this information that can be used for targeting advertising as supported by Merriman (col. 2, lines 40-45).

4. Referring to claim 22, Himmel discloses the invention substantively as described in claim 21. Himmel further discloses recording additional information related to user activity during the time period during which said first addressed content was displayed on said computing device (col. 10, lines 10-17 "and any other additional information required"); and

correlating, using said recorded information the first addressed content that was displayed on said computing device with user activity on said computing device (an inherent feature, since this information was stored with the visible time and URL of the page and the cookie name which inherently includes the advertisements name since each advertisement has its own cookie) (col. 9, lines 10-15; col. 10, lines 10-20).

5. Referring to claim 43, Wolfe-Ko-Himmel-Merriman disclose the invention substantively as described in claim 21, however do not disclose determining the length of time the first and second content were displayed simultaneously, however these values would be able to calculate these values based on the timestamps provided by the timing manager. One of ordinary skill in the art at the time the invention was made

would find it obvious to determine the length of time the user had both applications open at the same time in order to determine what a client actually utilizes these tools for.

6. Referring to claims 44-48, Himmel discloses the first and second addressed content is provided from a first and second content provider which has an address and recording this information (i.e. in the cookie file) (col. 9, lines 1-15). Furthermore it is well known in the art to provide timestamps (i.e. date and times) for when content is accessed, thereby providing accurate logging mechanisms. Furthermore, both Himmel and Wolfe discloses multiple advertisements/tools which would provide one of ordinary skill in the art the rationale to provide the steps to a third addressed content.

7. Claim 49 is rejected for similar reasons as stated above.

Response to Amendment

8. Applicant's art arguments dated February 9, 2007 have been fully considered but are moot in view of the new grounds of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993). Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph E. Avellino, Examiner
March 17, 2007